

ZB# 05-73

Robert McKnight, Jr.

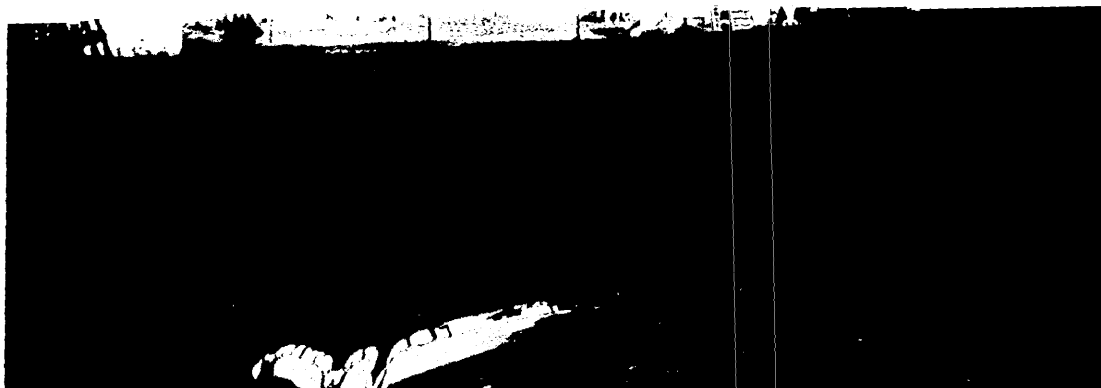
40-1-1

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 1-9-06

05-73

ROBERT MC KNIGHT, JR. (AREA)
51 BIRCHWOOD DR. (40-1-1)







NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 40-1-1

In the Matter of the Application of

ROBERT MC KNIGHT

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #05-73

WHEREAS, Robert McKnight, owner(s) of 51 Birchwood Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 4 ft. Side Yard Setback for Proposed 24' X 24' deattached garage at 51 Birchwood Drive in an R-4 Zone (40-1-1)

WHEREAS, a public hearing was held on January 9th, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a one Family Dwelling located in a neighborhood of one Family Dwellings in an R-4 zone.
 - (b) The applicant seeks to place a detached two-car garage on the property in a place not authorized by the Town of New Windsor Zoning Code because of the configuration of the property and the location of the existing residence on the property.

- (c) The applicant will remove no trees or substantial vegetation in the construction of the garage.
- (d) The garage will not divert the flow of water drainage or create the ponding or collection of water.
- (e) Other homes in the area have garages similar in size and appearance to the proposed garage.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

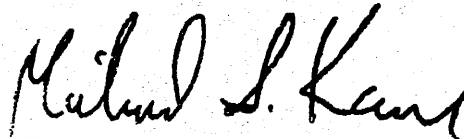
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 4 ft. Side Yard Setback for Proposed 24' X 24' deattached garage at 51

Birchwood Drive in an R-4 Zone (40-1-1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: January 9, 2006

A handwritten signature in black ink, reading "Michael S. Kane", is written over a horizontal line.

Chairman



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

May 30, 2006

Robert McKnight, Jr.
51 Birchwood Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-73

Dear Mr. McKnight:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: September 16, 2005

APPLICANT: Mr. Robert T. McKnight, Jr.
51 Birchwood Drive
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: September 16, 2005

FOR : Robert T. McKnight, Jr.

LOCATED AT: 51 Birchwood Dr.

ZONE: R-4 **Sec/Blk/ Lot:** 40-1-1

COPY

DESCRIPTION OF EXISTING SITE: SINGLE FAMILY DWELLING W/ PROPOSED 24x24
DETACHED GARAGE.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-11-A,1b – Accessory buildings shall be setback 10' from any lot line. Proposed 24x24 attached garage will be 6' from the side lot line. A variance of 4' is required.

Louis J. Kybur
BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-4 USE: 24x24 Detached garage		
MIN LOT AREA:		
MIN LOT WIDTH:		
REQ'D FRONT YD:		
REQ'D SIDE YD:	10'	6' 4'
REQ'D TOTAL SIDE TD:		
REQ'D REAR YD:		
REQ'D FRONTAGE:		
MAX BLDG HT:		
FLOOR AREA RATIO:		
MIN LIVABLE AREA:		
DEV COVERAGE:		

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

*2 sets of
Stamped plans*

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

SEP 16 2005

FOR OFFICE USE ONLY:
Building Permit #: 2005-1017

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises ROBERT MCKNIGHT JR.

Address 51 BIRCHWOOD DR. NEW WINSTON Phone # 525 2988

Mailing Address SAME Fax # 562 1404

Address _____ Phone _____

Name of Contractor YONNONES

Address 2894 S. RT. 9W NEW WINDSOR NY Phone 562-9580

State whether applicant is owner, lessee, agent, architect, engineer or builder NY

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of BIRCHWOOD
(N, E or W)
and NORTH feet from the intersection of ERIE AVE.
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y N V
3. Tax Map Description: Section 40 Block 1 Lot 1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy HOME b. Intended use and occupancy DETACHED GARAGE
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front 24 Rear 24 Depth 24 Height _____ No. of stories 1
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost 14,000.⁰⁰

ZONING BOARD

\$50.00

PAID

CK# 15850

WOK

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krysheer
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 583-4818
(845) 583-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

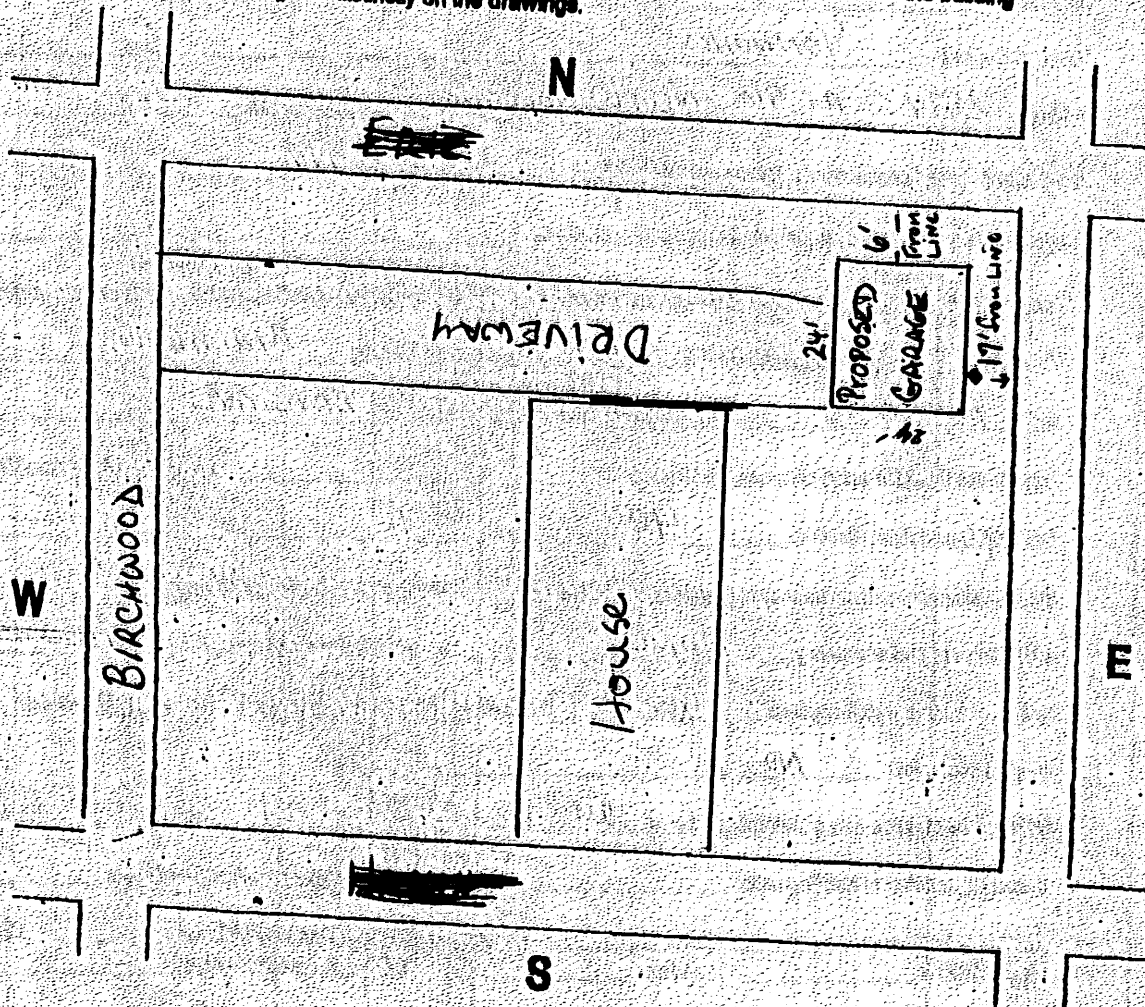
(Owner's Signature)

(Address of Applicant)

(Owner's Address)

PLOT PLAN

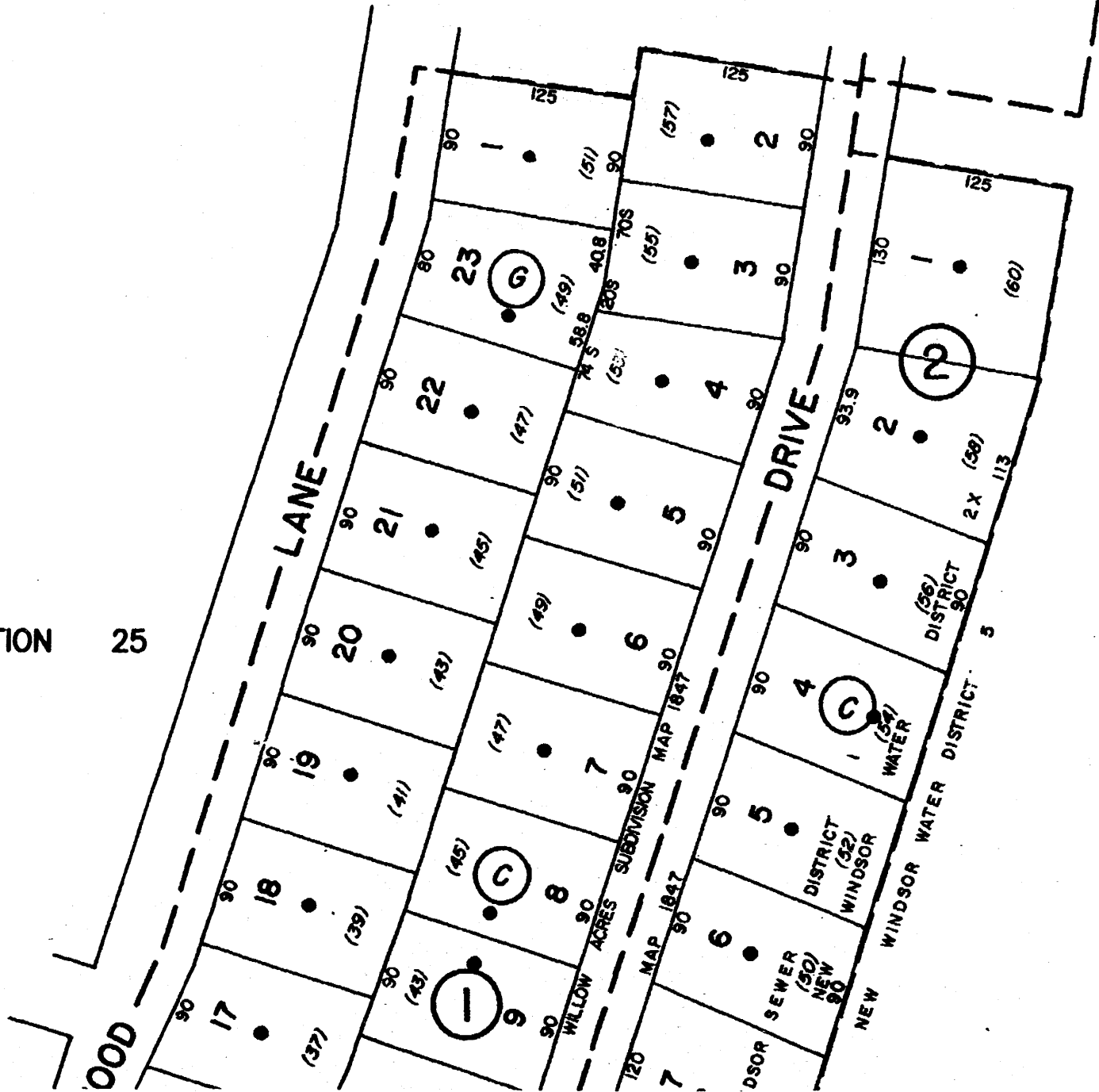
buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



GRAND DIVISION

SECTION 25

SECTION 25

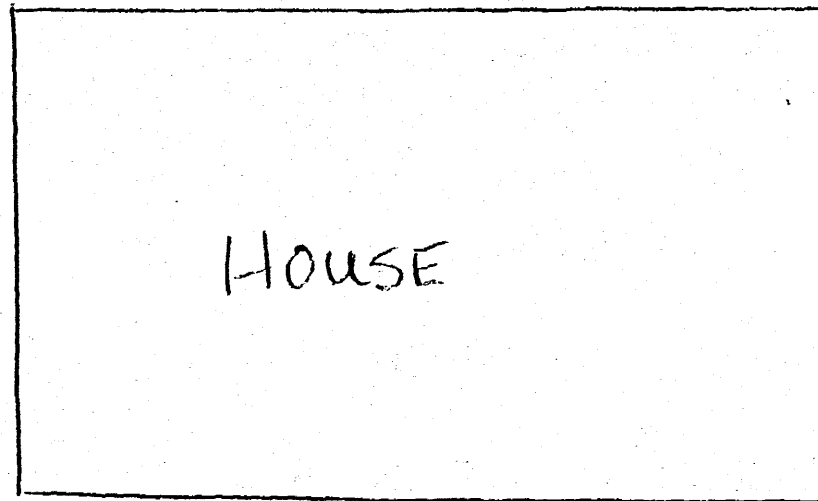


SECTION 26

← S

BIRCHWOOD Dr.

N →



HOUSE

DRIVEWAY

PROPERTY LINE

PROPOSED GARAGE

↑ 24 ↓

← 24 →

← 6' →

PROPERTY LINE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 04-25-06
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 162.00 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-73

NAME & ADDRESS:

**Robert McKnight, Jr.
51 Birchwood Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.04-25-06



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #05-73 TYPE: AREA TELEPHONE: 565-2988

APPLICANT:
Robert McKnight, Jr.
51 Birchwood Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #	<u>15900</u>
COMMERCIAL	\$ 150.00	CHECK #	_____
INTERPRETATION	\$ 150.00	CHECK #	_____

ESCROW: RESIDENTIAL \$300.00 CHECK # 15898

~~~~~

| <u>DISBURSEMENTS:</u> |  | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|--|----------------------|-----------------|
|                       |  | <u>\$5.50 / PAGE</u> | <u>FEE</u>      |

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>2</u> | PAGES | \$ <u>11.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —        | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>2</u> | PAGES | \$ <u>11.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | —        | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 12/28/05      \$ 46.00

TOTAL:      \$ 68.00      \$ 70.00

~~~~~

ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 138.00

AMOUNT DUE: \$ _____

REFUND DUE: \$ 162.00

Cc:

L.R. 04-25-06

ROBERT_MCKNIGHT, _JR._ (05-73)

Mr. Robert McKnight appeared before the board for this proposal.

MR. KANE: Request for 4 ft. side yard setback for proposed 24' x 24' attached garage at 51 Birchwood Drive.

MR. MCKNIGHT: It should be detached garage.

MR. KANE: Tell us again what you want to do.

MR. MCKNIGHT: When we first bought the house we had to go down a driveway and you go around a very sharp, it's a garage, a Schoonmaker home which we took out so straight down we want to put the garage straight down and right in.

MR. KANE: Right down in this area?

MR. MCKNIGHT: Yes. And if I went the ten foot I'd kind of have to go down off to the side.

MR. KANE: Any easements through the area where you intend to build the garage?

MR. MCKNIGHT: No.

MR. KANE: No substantial vegetation or trees?

MR. MCKNIGHT: Nothing.

MR. KANE: Will you be creating any water hazards? That looks like it slopes down, will you be building it up a little?

MR. MCKNIGHT: Yes.

MR. KANE: Any further questions? I'll accept a

November 14, 2005

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motion.

MR. BROWN: Make a motion that we set up Robert McKnight, Jr. for a public hearing request for a 4 foot side yard setback for proposed 24 x 24 detached garage at 51 Birchwood Drive in an R-4 zone.

MR. REIS: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE
MR. KANE	AYE

ROBERT MCKNIGHT, JR. (05-73)

Mr. Robert McKnight, Jr. appeared before the board for this proposal.

MR. KANE: Request for 4 ft. side yard setback for proposed 24' x 24' detached garage at 51 Birchwood Drive.

MR. MCKNIGHT: Again, we just want to put up a two car garage detached because the initial one was back around the back of the house, now we're going straight down the driveway.

MR. KANE: Cutting down any trees or substantial vegetation in the building?

MR. MCKNIGHT: No.

MR. KANE: Creating any water hazards or runoffs?

MR. MCKNIGHT: No.

MR. KANE: Any easements running through the area where you propose to put the garage?

MR. MCKNIGHT: None, a little grass, that's it.

MR. KANE: Do other homes in your area have garages similar in size?

MR. MCKNIGHT: There's a few, most of them were built again on the house but some of them had to put detached garages because as I said the design was so that you go down the driveway and there's a sharp turn to go around the house, that's where we got the idea from some of the other people in the neighborhood.

MR. KANE: Because of the way the property's situated that's about the only place you can put that garage to

January 9, 2006

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go straight in for requiring the 4 foot side yard setback?

MR. MCKNIGHT: Yes.

MR. KANE: At this point, I'll ask if there's anybody here in the audience for this particular hearing? We'll close the public hearing and ask Myra how many mailings.

MS. MASON: On December 22, I mailed out 84 envelopes and had no response.

MR. KANE: Any further questions? I'll accept a motion.

MR. BROWN: I'll make a motion that we grant Robert McKnight, Jr.'s request for 4 foot side yard setback for a proposed 24 x 24 detached garage at 51 Birchwood Drive in an R-4 zone.

MS. GANN: Second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE



RESULTS OF Z.B.A. MEETING OF: January 9, 2006

PROJECT: Robt. McKnight, Jr.

ZBA # 05-73

P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y_____N_____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y_____N_____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y___N___

APPROVED: M) S) VOTE: A N

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y_____N_____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN	
LOCEY	
BROWN	
MCDONALD	
REIS	
KANE	

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED: M) B S) G VOTE: A 4 N 0.

GANN	A
LOCEY	A
BROWN	A
MCDONALD	
REIS	
KANE	A

CARRIED: Y ☒ N ☐

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper.

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

ROBERT MC KNIGHT, JR.

#05-73

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 22ND day of **DECEMBER**, 2005, I compared the **84** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

22nd day of December, 2005


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-73

Request of ROBERT MC KNIGHT, JR.

for a VARIANCE of the Zoning Local Law to Permit:

Request for 4 ft. Side Yard Setback for Proposed 24' X 24' deattached garage at 51 Birchwood Drive in an R-4 Zone (40-1-1)

PUBLIC HEARING will take place on JANUARY 9, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.


Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

November 10, 2005

Robert McKnight, Jr.
51 Birchwood Drive
New Windsor, NY 12553

Re: 40-1-1

ZBA#: 05-73 (84)

Dear Mr. McKnight:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$105.00, minus your deposit of \$25.00.

Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

25-1-8
Robert VanVoorhis
60 Birchwood Drive
New Windsor, NY 12553

25-1-12
Robert & Eleanor Spreer
54 Birchwood Drive
New Windsor, NY 12553

25-1-15
Frank & Ruth Iessi
48 Birchwood Drive
New Windsor, NY 12553

25-1-18
Edward & Catherine Brodow
40 Birchwood Drive
New Windsor, NY 12553

25-2-8
John & Marjorie Panzetta
69 Hudson Drive
New Windsor, NY 12553

25-2-11
Theodore & Kathryn Annan
63 Hudson Drive
New Windsor, NY 12553

25-2-14
Peter & Adriana Rappa
53 Birchwood Drive
New Windsor, NY 12553

25-2-17
Melvin & Rose Marie Hedlund
59 Birchwood Drive
New Windsor, NY 12553

25-3-7
Fernando & Maria Ferreira
70 Hudson Drive
New Windsor, NY 12553

25-3-10
Estelle & Jeffrey Bousché
64 Hudson Drive
New Windsor, NY 12553

25-1-9
Barbara Grammer Booth
58 Birchwood Drive
New Windsor, NY 12553

25-1-13
Vito & Mary Speranza
52 Birchwood Drive
New Windsor, NY 12553

25-1-16
John Beltempo
Roxanne Lopez
46 Birchwood Drive
New Windsor, NY 12553

25-1-19
Dana & Liliann Putnam
38 Birchwood Drive
New Windsor, NY 12553

25-2-9
Marie & Bruce Nott, Sr.
67 Hudson Drive
New Windsor, NY 12553

25-2-12
Robert & Carol Griffin
61 Hudson Drive
New Windsor, NY 12553

25-2-15
Robert, Virginia & Helen Basile
55 Birchwood Drive
New Windsor, NY 12553

25-2-18
John & Kathleen Workman
61 Birchwood Drive
New Windsor, NY 12553

25-3-8
Muriel Gaetano
68 Hudson Drive
New Windsor, NY 12553

25-3-11
James & Nadine Collins
62 Hudson Drive
New Windsor, NY 12553

25-1-10
Dulce & Dennis Kelly
56 Birchwood Drive
New Windsor, NY 12553

25-1-14
Edward & Patricia Callahan
50 Birchwood Drive
New Windsor, NY 12553

25-1-17
Charlene Romaine
John Bittman
44 Birchwood Drive
New Windsor, NY 12553

25-1-20
Orville & Margery Orts
36 Birchwood Drive
New Windsor, NY 12553

25-2-10
Catherine & Joseph Hughes, Jr.
65 Hudson Drive
New Windsor, NY 12553

25-2-13
Thomasina Blair
59 Hudson Drive
New Windsor, NY 12553

25-2-16
Robert Hurley
57 Birchwood Drive
New Windsor, NY 12553

25-2-19
Wayne & Joan Smith
63 Birchwood Drive
New Windsor, NY 12553

25-3-9
James Smith
Mary Wilcox
66 Hudson Drive
New Windsor, NY 12553

25-4-8
David & Phyllis Chapman
114 Glendale Drive
New Windsor, NY 12553

25-4-10
Levio & Rose Young
116 Glendale Drive
New Windsor, NY 12553

25-4-13
Stephen & Katherine Costello
122 Glendale Drive
New Windsor, NY 12553

25-4-16
Mitchell Kolpan
128 Glendale Drive
New Windsor, NY 12553

25-5-30
Manuel Chambers
403 Carlton Circle
New Windsor, NY 12553

25-5-43 & 51.2
Edgar Vidal
526 Balmoral Circle
New Windsor, NY 12553

25-5-46
Elizabeth Shewring
Louis Haines
532 Balmoral Circle
New Windsor, NY 12553

25-5-49
Jeffrey Stringer
Anastasia Howard
127 Glendale Drive
New Windsor, NY 12553

39-1-20
Robert & Ana Gotz
83 Harth Drive
New Windsor, NY 12553

39-1-24
Mark & Susan Schotsch
34 Birchwood Drive
New Windsor, NY 12553

39-3-15
Anthony & Lisa Nester
28 Cresthaven Drive
New Windsor, NY 12553

25-4-11
Frank & Diann Puccio
118 Glendale Drive
New Windsor, NY 12553

25-4-14
Joseph & Arlene Mathews
124 Glendale Drive
New Windsor, NY 12553

25-5-19
Juan Santana
Jose Vasquez
113 Glendale Drive
New Windsor, NY 12553

25-5-31
Anthony & Carol Elias
502 Balmoral Circle
New Windsor, NY 12553

25-5-44
Darren & Karen Bullock
528 Balmoral Circle
New Windsor, NY 12553

25-5-47
Arnold & JoEllen Sabino
501 Balmoral Circle
New Windsor, NY 12553

25-5-50 & 51.3
George & Kimberly Ciaschi
129 Glendale Drive
New Windsor, NY 12553

39-1-21
Charles Botsford
c/o Debra Iorio & Steven Botsford
317 Sunrise Drive
Newburgh, NY 12550

39-3-13
Frances & George Backofen, Jr.
24 Cresthaven Drive
New Windsor, NY 12553

39-3-16
Candace & Alfred Magliano, Jr.
29 Valewood Drive
New Windsor, NY 12553

25-4-12
Howard & Estelle Brown
120 Glendale Drive
New Windsor, NY 12553

25-4-15
Richard & Donna Hamel
126 Glendale Drive
New Windsor, NY 12553

25-5-20
Glenn & Diane Trapp
115 Glendale Drive
New Windsor, NY 12553

25-5-32
John & Randee O'Connor
504 Balmoral Circle
New Windsor, NY 12553

25-5-45
Byron & Angela Thomas
530 Balmoral Circle
New Windsor, NY 12553

25-5-48
Jose & Carmen Aldebot
125 Glendale Drive
New Windsor, NY 12553

26-1-1.1, 1.2 & 40-2-8
Upstate Properties USA, LLC
199 Lee Avenue - Suite 277
Brooklyn, NY 11211

39-1-22
Natalie Navarra
34 TenBroeck Lane
Newburgh, NY 12550

39-3-14
Eugene Loughran
26 Cresthaven Drive
New Windsor, NY 12553

40-1-2
Eric & Trina Miller
57 Hudson Drive
New Windsor, NY 12553

40-1-3

Clarence & Ruth Starsiak
55 Hudson Drive
New Windsor, NY 12553

40-1-6

Sally Scheiner
c/o Scheiner
9130 Taverna Way
Boyton Beach, FL 33437

40-1-9

Electra Orzechowski
43 Hudson Drive
New Windsor, NY 12553

40-1-16

Carl & Joan Ponesse
35 Birchwood Drive
New Windsor, NY 12553

40-1-19

Jean Davis
48 Scotchtown Drive
Middletown, NY 10941

40-1-22

Sharon & Gus Palentino
47 Birchwood Drive
New Windsor, NY 12553

40-2-2

Richard Julian
58 Hudson Drive
New Windsor, NY 12553

40-2-5

Adam Pappas
52 Hudson Drive
New Windsor, NY 12553

40-1-4

John & Alberta Ponessa
53 Hudson Drive
New Windsor, NY 12553

40-1-7

Michele Starkey
47 Hudson Drive
New Windsor, NY 12553

40-1-10

Deanne Illenberger
41 Hudson Drive
New Windsor, NY 12553

40-1-17

Nicholas Carfizzi
37 Birchwood Drive
New Windsor, NY 12553

40-1-20

Cortney Arneth
43 Birchwood Drive
New Windsor, NY 12553

40-1-23

John & Kathleen McParland
49 Birchwood Drive
New Windsor, NY 12553

40-2-3

Michael & Linda Robinson
56 Hudson Drive
New Windsor, NY 12553

40-2-6

Shirley Stelz
50 Hudson Drive
New Windsor, NY 12553

40-1-5

Joanne & Wilson Smith, Jr.
51 Hudson Drive
New Windsor, NY 12553

40-1-8

Jeffrey Barrett
45 Hudson Drive
New Windsor, NY 12553

40-1-15

Catherine Rice
33 Birchwood Drive
New Windsor, NY 12553

40-1-18

Josephine Dewingaerde
39 Birchwood Drive
New Windsor, NY 12553

40-1-21

William & Kelly Thompson
174 Wilbur Boulevard
Poughkeepsie, NY 12603

40-2-1

Lawrence & Mary McGrath
60 Hudson Drive
New Windsor, NY 12553

40-2-4

Denise Colurciello
Francis Coyle
54 Hudson Drive
New Windsor, NY 12553

40-2-7

Anthony & Patricia D'Angelo
48 Hudson Drive
New Windsor, NY 12553



RESULTS OF Z.B.A. MEETING OF: November 14, 2005

PROJECT: Robert McKnight, Jr. ZBA # 05-73
P.B.# _____

USE VARIANCE: _____ NEED: EAF _____ PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) B S) RS VOTE: A 4 N 0

~~GANN~~ _____
LOCEY A _____
BROWN A _____
MCDONALD _____
REIS A _____
KANE A _____

CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

Detached Garage



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

December 8, 2005

Robert McKnight, Jr.
51 Birchwood Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-73

Dear Mr. McKnight:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

51 Birchwood Drive
New Windsor, NY

is scheduled for the January 9th, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 11-02-05

FOR: ESCROW 05-73

FROM:

Robert McKnight, Jr.
51 Birchwood Drive
New Windsor, NY 12553

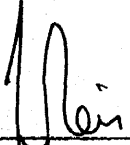
CHECK FROM: ALFI'S UNIFORMS INC.
152 WINDSOR HWY.
NEW WINDSOR, NY 12553

CHECK NUMBER: 15898

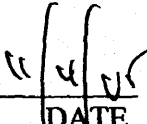
TELEPHONE: 565-2988

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA # 05-72 Application Fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#1057-2005

11/04/2005

Uniform's, Alfi's

Received \$ 50.00 for Zoning Board Fees, on 11/04/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 11-02-05 PROJECT NUMBER: ZBA# 05-73 P.B. # _____

APPLICANT NAME: ROBERT MC KNIGHT, JR.

PERSON TO NOTIFY TO PICK UP LIST:

Robert McKnight, Jr.
51 Birchwood Drive
New Windsor, NY 12553

TELEPHONE: 565-2988

TAX MAP NUMBER: SEC. 40 B LOCK 1 LOT 1
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 51 BIRCHWOOD DRIVE
NEW WINDSOR, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 15899

TOTAL CHARGES: _____



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

November 2, 2005

Robert McKnight, Jr.
51 Birchwood Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #05-73

Dear Mr. McKnight:

This letter is to inform you that you have been placed on the November 14th, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

51 Birchwood Drive
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

OCT. 3 2005

Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 565-2988
ROBERT MCKNIGHT JR. Fax Number: (845) 562-1404

(Name)

51 Birchwood Dr. New Windsor NY 12553

(Address)

II. **Applicant:** SAME Phone Number: ()
(Name) Fax Number: ()

(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Fax Number: ()

(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
Fax Number: ()

(Name)

(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 51 BIRCHWOOD DR.

Lot Size: 125 x 90 Tax Map Number: Section 40 Block 1 Lot 1

- a. What other zones lie within 500 feet? _____
- b. Is pending sale or lease subject to ZBA approval of this Application? NO
- c. When was property purchased by present owner? 1985
- d. Has property been subdivided previously? NO If so, When: _____
- e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
- f. Is there any outside storage at the property now or is any proposed? NO

******PLEASE NOTE:*******

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	10'	6'	4'
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The ORIGINAL GARAGE WAS LOCATED DOWN
THE DRIVEWAY AND AFTER MAKING A VERY SHARP RIGHT INTO THE
REAR OF THE HOME, WHICH WAS DIFFICULT. AFTER CLOSING OFF THAT
GARAGE YEARS AGO, WE'VE ALWAYS FELT THE NEED FOR ONE. IT MAKES
MORE SENSE TO JUST COME STRAIGHT DOWN THE DRIVEWAY DIRECTLY INTO
A GARAGE. OUR MAIN OBJECTIVE IS TO HOUSE OUR CARS.

PLEASE NOTE:

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

Need pictures showing the location of proposed Garage in relationship to the property Lines and setbacks.

XIV. AFFIDAVIT.

STATE OF NEW YORK)

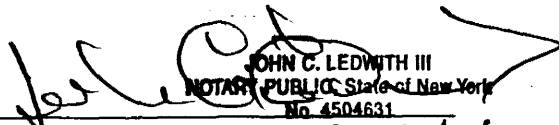
) SS.:

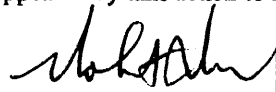
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

3 day of Oct 2005.


JOHN C. LEDWITH III
NOTARY PUBLIC State of New York
No. 4504631
Signature and Seal of Notary Public
Commission Expires 1/31/06



Owner's Signature (Notarized)

ROBERT MCKNIGHT JR.

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)

11/14



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list -- they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.